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ATTORNEYS FOR PLAINTIFF  
ANGEL WARNSO

**UNITED STATES DISTRICT COURT**  
**NORTHERN DISTRICT OF CALIFORNIA**

ANGEL WARNSO,

Plaintiff,

v.

U.S. FOODSERVICE, INC., a corporation;  
ROYAL AHOLD USA, a corporation;  
ROYAL AHOLD, a Netherlands corporation;  
HENRY SMITH, an individual; JASON  
STRANAHAN, an individual; CATHY  
QUIGGLE, an individual; KEN HOBBS, an  
individual; and DOES 1 through 50, inclusive,

Defendants.

Case No.: C 06-00251 MMC

**~~PROPOSED~~ ORDER GRANTING  
MOTIONS TO AMEND  
COMPLAINT AND TO REMAND  
TO STATE COURT**

~~The Motions to Amend Complaint and to Remand to State Court by Plaintiff Angel Warnso came on regularly for hearing on March 17, 2006 at 9:00 a.m. in Courtroom 7, 19<sup>th</sup> floor before the Honorable Maxine M. Chesney.~~ The Court, having read and considered the papers filed in support of as well as those filed in opposition to the Motions, as well as the entire court file in this action, ~~vacates the March 17, 2006 hearing on the matter, and having heard the arguments of counsel for the parties,~~ and good cause appearing therefore:


IT IS HEREBY ORDERED THAT:

(1) The Motion to Amend the Complaint and to file a First Amended Complaint which excises the Title VII allegations is granted (Fed. RuleCiv. P. 15);

(2) The Motion to Remand this case back to state court where it was originally filed (Superior Court for the County of Alameda) is granted. The First Amended Complaint contains no federal question and there is no diversity of citizenship.

The Clerk shall close the file.

Dated: March 3, 2006

  
The Hon. Maxine M. Chesney  
Judge of the United States District Court